

CAUSE NO.

18397

MAXWELL WATER SUPPLY
CORPORATION

VS.

C. R. FREEMAN, JR.;
C. R. FREEMAN CONSTRUCTION CO.
AND HEMPHILL ESTATES WATER CO.
INC., JOHN WADE, JANIE WADE,
AND DAVID WILLIAMS

IN THE Platteau COURT

207 JUDICIAL DISTRICT

CALDWELL COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

Plaintiff, MAXWELL WATER SUPPLY CORPORATION has filed a petition for Temporary Restraining Order and for Temporary and Permanent Injunction, and said Plaintiff has presented to the Court the petition with supporting verification. Upon review, it clearly appears to the Court from the papers on file that the Plaintiff is probably entitled to a temporary injunction and that unless the Defendants herein are immediately deterred and restraining from further acts and conduct, in accordance with the Plaintiff's allegation, that Defendants will commit acts detrimental to Plaintiff and public welfare before an opportunity of notice and hearing on the petition for temporary injunction. The Court further finds that the petition is support by a verified pleading as required by law, that the facts set forth in said petition give rise to a basis for this Court to act; that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury for which damages at law are inadequate, uncertain, and not susceptible of immediate measure.

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In accordance with the pleadings as set forth, the court finds that MAXWELL WATER SUPPLY CORPORATION is the authorized, vested, and rightful water supply utility operating within its Certificate of Convenience and Necessity issued by the Public Utility Commission, now Texas Water Commission, of the State of Texas, and that it is the sole and exclusive water utility certificated to the area of Defendants activity for which their restraint is sought. The Court finds that the Defendants, acting individually or in concert, are now in the process of laying a main water supply pipe in an area included within the Certificate of Convenience and Necessity of the Plaintiffs, and that the Defendant HEMPHILL ESTATES WATER COMPNAY, INC. has not received authority from the Texas Water Commission to operate a water supply system within the MAXWELL WATER SUPPLY CORPORATION's Certificate of Convenience and Necessity. The Court further finds that the Defendants have not been granted approval by MAXWELL WATER SUPPLY CORPORATION to lay water lines nor make connections within the Plaintiffs certificated area, as asserted to the City of San Marcos in connection with the plat approval sought from the City of San Marcos by Defendants C. R. FREEMAN, JR.

~~The Court further finds that because of the questionable quality of the Wade Water Well as water source for HEMPHILL ESTATES WATER COMPANY., INC or C. R. FREEMAN's Country Glenn, Phase II, based on surrounding possible sources of pollutants or contaminants, allowing the Defendants to proceed further could,~~

~~create a potential danger to the public welfare to such an extent as to require restraint.~~

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that a Temporary Restraining Order be issued forthwith by the clerk of this Court, and that Defendants, acting individually or in concert, or through their agents, servants, employees, be and hereby are commanded forthwith to desist and refrain from any act not consistent with this Temporary Restraining order. It is the Order of the Court that the Defendants, individually or in concert, agents, servants or employees, cease and desist from all activity regarding the laying of pipe, connection of lines, pumping of water, excavation, or any other activity relating to the installation of the Country Glenn, Phase II Water Supply Line, or any other water utility construction activity within the certificated area set forth in the certificate of Convenience and Necessity of MAXWELL WATER SUPPLY CORPORATION, save and except for such water utility service activities as may be subsequently authorized by the Texas Water Commission by appropriate Order, or by this Court, which ever shall first occur.

IT IS FURTHER ORDERED that Plaintiff's request for a Temporary Injunction shall be heard before the Presiding District Court on the 23 day of July, 1987, at 9:30 o'clock A.m., in the courtroom of the 22 Judicial District, at the Caldwell County Courthouse, City of Lockhart, Texas, at which time

Defendants are ordered to show cause, if there by any, why this Temporary Restraining Order should not be converted to a Temporary Injunction, which Temporary Injunction would continue pending further order of the Court, or the hearing on the merits, which ever would first occur.

Hearing on the merits on this cause shall be conducted before this Court on the N/A day of N/A, 1987, at N/A o'clock .m.

IT IS FURTHER ORDERED that the Clerk of the above-entitled Court shall forthwith issue a Temporary Restraining Order in conformity with the law and the terms of this Order, conditioned upon Plaintiff forthwith filing a bond as set forth below.

This Temporary Restraining Order shall not be effective unless and until Plaintiff shall execute and file with the Clerk of the Court a bond, in conformity with law, in the amount of 1000.00.

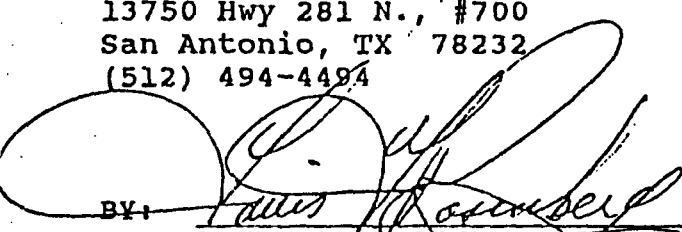
This Temporary Restraining Order is signed the 14 day of July, 1987, at 12:45 o'clock P.m.

Original Signed By
EDWARD MOORE
JUDGE PRESIDING

APPROVED:

LOUIS T. ROSENBERG, P.C.
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BY:


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